

## ATTACHMENT FOR ROMANIA

- 1. QI is subject to the following laws and regulations of governing the requirements of QI to obtain documentation confirming the identity of QI's account holders:**

*Primary law - Law no. 129/2019 on prevention of and combating money laundering and terrorism financing, and amending and supplementing certain legislative acts, as amended and supplemented.*

*Secondary law - Financial Supervisory Authority Regulation no. 13/2019 on measures for preventing and combating money laundering and terrorism financing in financial sectors supervised by the Financial Supervisory Authority.*

- 2. QI represents that the laws identified above are enforced by the following enforcement bodies and QI shall provide the IRS with an English translation of any reports or other documentation issued by these enforcement bodies that are relevant to QI's functions as a qualified intermediary.**

*The Financial Supervisory Authority.*

- 3. QI represents that the following penalties apply to failure to obtain, maintain, and evaluate documentation obtained under the laws and regulations identified in item 1 above.**

*Failure to obtain, maintain or evaluate documentation under the know-your-customer rules is an administrative offence that may be sanctioned with a warning or fine ranging from RON 25.000 to RON 150.000 in case of individuals or with a warning or fines applicable to individuals the maximum limit of which is increased by 10% of the total revenue reported in the previous fiscal year.*

*If the offence is found to have been committed under aggravating circumstances (repeated misdemeanor, systematic, or particularly serious or a combination thereof), unless the offence is classified as criminal, the maximum limits of the fine will be increased to: 10% of the total annual turnover, but not less than 23 million RON for legal persons and to 23 million RON for individuals.*

*Supplementary sanctioning measures may be applied in addition to the primary penalties.*

- 4. QI shall use the following specific documentary evidence (and also any specific documentation added by an amendment to this item 4 as agreed to by the IRS) to comply with section 5 of this Agreement, provided that the following specific documentary evidence satisfies the requirements of the laws and regulations identified in item 1 above. In the case of a foreign person, QI may, instead, use a Form W-8 in accordance with section 5 of this Agreement. Either QI, or a banking or securities association in, may request an amendment of this item 4.**

***For natural persons:***

- *National identity card or passport;*
- *Written declaration under own responsibility indicating the following information:*
  - *occupation and, where applicable, the name of the employer or the nature of their activity;*
  - *telephone number, e-mail address, if any;*
  - *public function held, if any;*
  - *purpose and nature of the business relationship with the regulated entity;*
  - *source of funds to be used in the conduct of the business relationship;*

- *classification as publicly exposed persons or family member of a publicly exposed person or person known as a close associate of a publicly exposed person;*
- *information on the beneficial owner, if different from the customer, namely the name and surname, the date of birth, the personal identification number or its equivalent for foreign persons, or if applicable, another personal element of similar identification, the series and the number of the identity document and other information that may reveal specific risk factors associated therewith*

**For legal entities:**

- *documents of incorporation and other organizational documents;*
- *extracts from public registers;*
- *written declaration signed by the legal representative/s indicating the purpose and nature of business relations and operations carried out with the qualified intermediary*
- *ID docs for the legal representative, beneficial owner*

**5. QI shall follow the procedures set forth below (and also any procedures added by an amendment to this item 5 as agreed to by the IRS) to confirm the identity of account holders that do not open accounts in person or who provide new documentation for existing accounts other than in person. In the case of a foreign person, QI may, instead, use a Form W-8 in accordance with section 5 of this Agreement. Either QI, or a banking or securities association in, may request an amendment to this item 5.**

*(i) QI shall not open an account by any means other than by establishing in person the identity of a customer through the account holder's own identity documents, except as permitted in (ii), (iii), (iv), (v) and (vi) below.*

*(ii) QI may obtain by mail or otherwise a copy that is an exact reproduction of the specific documentary evidence listed in item 4 above from another person that is subject to know-your-customer rules that have been approved by the IRS for purposes of qualified intermediary agreements, provided that the laws and regulations listed in item 1 permit QI to rely on the other person to identify the account holder.*

*(iii) QI may obtain a photocopy of the specific documentary evidence listed in item 4 by mail or otherwise remotely from the account holder or a person acting on behalf of the account holder, provided that the photocopy has been certified as a true and correct copy by a person whose authority to make such certification appears on the photocopy, and provided that the laws and regulations listed in item 1 permit QI to rely on the certified photocopy to identify the account holder.*

*(iv) (a) QI may obtain by mail or otherwise a copy that is an exact reproduction of the specific documentary evidence listed in Item 4 from an affiliate of QI or a correspondent bank of QI, provided that the affiliate or correspondent bank has established in person the identity of the account holder and the laws and regulations listed in Item 1 permit QI to rely on documentation provided by that affiliate or correspondent bank to identify the account holder.*

*(b) For accounts opened prior to January 1, 2001, if QI was not required under its know-your-customer rules to maintain originals or copies of documentation, QI may rely on its account information if it has complied with all other aspects of its know-your-customer rules regarding establishment of an account holder's identity, it has a record that the documentation required under the know-your-customer rules was actually examined by an employee of QI, or an employee of an affiliate of QI or a correspondent bank of QI, in accordance with the know-your-*

*customer rules, and it has no information in its possession that would require QI to treat the documentation as invalid under the rules of section 5.10(B) of this Agreement.*

- (v) QI may open an account for natural or legal persons who have been identified by a third party according to Article 18 from Law 129/2019 on prevention of and combating money laundering and terrorism financing and secondary legislation adopted by the Financial Supervisory Authority.*
  
- (vi) The establishment in person of the identity of the customer may be replaced by safeguards for business relationships or transactions without face-to-face contacts, provided the qualified intermediary can collect and document all information from point 4 and based on at least one of the following security measures:*
  - (a) The presentation in a video-based electronic procedure of the official photo identification document (online identification);*
  - (b) A statutorily prescribed procedure, which ensures that the same information would be made available as would be if an official photo identification document were presented;*
  - (c) The submission of a legally binding declaration by the customer in the form of a qualified electronic signature in accordance with point 12 of Article 3 of Regulation (EU) No 910/2014;*
  - (d) The first payment during transactions is settled through an account opened in the customer's name with a credit institution providing the respective credit institution is obliged to respect at least the same antimoney laundering legal requirements as the ones applicable to the qualified intermediary.*